

US EPA Region 8
Enforcement Compliance & Environmental Justice Division
RCRA Compliance Evaluation Report

Date of Inspection: March 7, 2014

Facility Name: US Magnesium LLC

Location: 12819 N. Skull Valley Road
Skull Valley, Utah 84029

Mailing Address: 238 North 2200 West
Salt Lake City, Utah 84116

Facility Contact: David Gibby, Environmental Manager
Mailing Address: Same as above
801-532-1522

Facility Phone No.: 801-532-1522 X1355

Email Address: dgibby@usmagnesium.com

Fax No: 801-596-1132

Notification Status: Large Quantity Generator

EPA ID Number: UTR000009741

Applicable Regulations: Administrative Order on Consent RCRA Order 8-2014-1

Type of Inspection: Compliance Evaluation Inspection

Time of Arrival: March 7, 2014, at 09:15 hours

Time of Departure: March 7, 2014, at 11:15 hours

Participants: David Duster, EPA Region 8 (lead)
Don Verbica, UDEQ DSHW
David Gibby, Environmental Manager

Report Prepared By: David Duster, Environmental Scientist
US Environmental Protection Agency, Region 8

**US Magnesium
Skull Valley, Utah
UTD000690867
RCRA Compliance Evaluation Inspection**

Introduction

On March 7, 2014, I performed a compliance evaluation inspection (CEI) at the US Magnesium LLC (USM) facility located at 12819 North Skull Valley Road in North Skull Valley, Utah. The purpose of this inspection was to assess the facility's compliance with Phase 1 requirements under EPA Administrative Order on Consent, Docket Number RCRA 8-2014-0001. Utah Department of Environmental Quality, Division of Solid Waste Supervisor, Mr. Don Verbica, accompanied and assisted me on this inspection.

Overview

On February 21, 2014, the EPA Region 8 and US Magnesium LLC entered into an Administrative Order on Consent, Docket Number RCRA 8-214-0001 to address a release of acidic wastewater from the facility's wastewater impoundment. This order was issued under section 7003 of the Resource Conservation and Recovery Act. Under this order, USM is responsible for eliminating exposure from the acidic water to human health, environmental receptors and livestock. The work required under this order consists of three phases and is detailed in the order.

Under Phase 1, USM is responsible for immediately fencing the portion of the spill on Bureau of Land Management (BLM) land. The order requires that the fence consist of five strand barbed wire, sufficient to keep cattle out. The order requires that the fencing be posted with signs 150 feet apart providing "Warning – Stay Out – Hazardous Materials Area behind the sign. For additional information call U.S. Environmental Protection Agency at 303-312-6665."

Inspection Narrative

UDEQ Supervisor, Mr. Don Verbica, and I arrived at the site at approximately 09:15 hours on March 7, 2014. We were met by Mr. David Gibby, USM Environmental Manager, who serves as the project coordinator for this order. Mr. Gibby provided us with a detailed briefing of the various hazards and safety concerns in the Phase 1 project area.

Next, Mr. Gibby drove us to the Phase 1 project area located north of the USM production plant. We entered the project area from the east. We walked around the circumference of the fence installed by USM, starting north of the spill from the southeast side (see Photograph 1), proceeding north (see Photograph 2), then west (see Photograph 3), south and returning easterly. All portions of the spill on BLM land appeared to have been adequately fenced per requirements of the order. The fence consisted of five strand barbed wire sufficient to keep cattle out. Signs were posted every 150 ft. labeled with the appropriate wording (See Photographs 1-5.) It appeared that the pond had receded significantly. (See Photographs 5 and 6.) The newly installed fence was tied into an existing fence that followed an east-west road located south of the spill area. (See Photographs 7 and 9.) Most of the existing fence was in good condition. (See Photograph 8.) I observed one gap, approximately 10-15 feet wide, east of BLM's

property, between the newly constructed fence and an existing fence. I asked Mr. Gibby if he would close this gap with appropriate wire. Mr. Gibby stated that USM would comply with this request. This work is not a required under phase 1 of the order.

Areas of Concern

No areas of concern were noted. USM appeared to be in compliance with the requirements of Phase 1 of the administrative order.



Photograph 1. This picture shows the corner post on the southeastern portion of the fence, north of the spill. The sign is labeled with wording required under the order.



Photograph 2: Photo is taken from the east side of the fence, pointing northerly.



Photograph 3. Photo is taken from the northeast corner of the fence, pointing in a southwest direction. The fence consists of a five string barbed wire, sufficient to keep cattle out, with appropriate signage.



Photograph 4. This photo is taken from the northeast corner of the fence, pointing in a westerly direction.



Photograph 5. This photo was taken from the north side of the fence. The majority of the exposed land appears to have been previously covered by wastewater from the spill.



Photograph 6: This area is within the fence, looking in a southwestern direction. This area appears to have been previously covered by acidic water. There appears to be cavitation in some portions of the land surface.



Photograph 7: This photo was taken from the southwest corner of the fence, looking east. The newly constructed fence ties into the existing east-west fence.



Photograph 8: This photograph was taken from the southern side of USM existing fence, pointing in a northwest direction. The newly constructed fence that is the western boundary is also shown in this picture.



Photograph 9: The photo is taken on the southeast side of the fence. Additional fencing was added from the existing fence to further restrict access.



Photograph 10: Photograph shows a gap between the newly constructed and existing fences.